

13 January 2017

Committee Secretary
House of Representatives Standing Committee on Education and Employment
PO Box 6021
Parliament House
Canberra ACT 2600

By Email: ee.reps@aph.gov.au

Inquiry into innovation and creativity: workforce for the new economy

I refer to your email of 10 November 2016 regarding the newly constituted Standing Committee on Education and Employment, and the new terms of reference for the Committee's Inquiry into Innovation and Creativity: Workforce for the New Economy.

The Copyright Advisory Group to the Council of Australian Governments' Education Council (**CAG**) appreciates the opportunity to have its previous submission accepted as a submission to the Committee's new inquiry.

CAG would, however, like to draw the Committee's attention to two important developments since our previous submission was made.

Firstly, the Australian Productivity Commission (**the Commission**) has completed its review of Intellectual Property Arrangements and recommended reforms that would address at least some of the concerns outlined in our submission. In particular, the Commission recommended that:

- The Government accept and implement the Australian Law Reform Commission's (**ALRC**) final recommendation to replace the existing inflexible copyright exceptions with a flexible fair use exception. (Recommendation 6.1)
- The Government expand the copyright safe harbour scheme to cover not just carriage service providers, but all providers of online services. (Recommendation 19.1).
- The Australian, and State and Territory governments should implement an open access policy for publicly funded research. (Recommendation 16.1)

Secondly, Ernst & Young has completed its cost benefits analysis of the ALRC's proposal to enact a fair use exception. Ernst & Young undertook a detailed analysis of the likely impact of fair use on rights holders, society and the economy, and found that a fair use exception would deliver net societal and economic benefits.

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CAG strongly urges the Committee to recommend that the Government adopt the Commission's recommendations to enact a fair use exception and expand the copyright safe harbours to include all online service providers. We also urge the Committee to support the recommendation regarding open access for publicly funded research. Each of these reforms are of critical importance to the Australian education sector.

Finally, at the time of writing, the Copyright Amendment (Disability Access and Other Measures) Bill 2016 (**the CADM bill**) has still not been introduced into Parliament. CAG urges the Committee to recommend its introduction as a priority, to enhance the capacity of the Australian education sector to deliver innovative education to Australian students.

Yours sincerely

Delia Browne
NATIONAL COPYRIGHT DIRECTOR